

**Mayor and City Council of New Castle**  
**Public Meeting**  
**(2<sup>nd</sup> Street Subdivision- 219 E. Second St.)**  
**New Castle Town Hall - Delaware Street - New Castle**  
**Tuesday, July 12, 2005 - 6:15 p.m.**

**Roll Call**

Present:

Council President Blest  
Councilman Reese  
Councilwoman Churchill  
Councilwoman Petty  
Councilman DiMondi

Others present: Mayor Klingmeyer, Treasurer Janet Carlin, Police Chief Kevin McDerby, and City Engineer David Athey

Council President Blest convened the meeting at 6:20 p.m. and led those assembled in the pledge of allegiance.

The purpose of this meeting was to hear the concerns of residents regarding the 2<sup>nd</sup> Street Subdivision. Council received a letter from James Steele, Planning Commission, stating that they could not come to a decision, for or against, the proposed subdivision plans submitted by Steve Velitskakis at the Planning Commission meeting of July 5, 2005 and, therefore, they were sending it back to City Council to vote on.

Councilwoman Churchill read an alternate proposal for the 2<sup>nd</sup> Street subdivision that offered that Mr. Velitskakis would withdraw his request for a paved street/alleyway behind the homes on 2<sup>nd</sup> Street. Mr. Velitskakis would instead build 2 houses to set back from the street in line with the Mischler home and the off-street parking would be provided in front of the homes in the form of brick pavers. Council would also waive the \$600.00 fee should it be necessary for Mr. Velitskakis to go before the Board of Adjustments.

Councilman DiMondi also presented an alternate plan very similar to that of Councilwoman Churchill's with the exception that Mr. Velitskakis would not be subjected to any more reviews by City of New Castle Committees and would not incur any more fees regarding this specific issue.

Robert Penza, Esquire, attorney for Steve Velitskakis, thanked Council for working with Mr. Velitskakis and coming up with alternate plans. Attorney Penza consulted with Mr. Velitskakis and they were basically agreeable with either of Council's alternate proposals but Mr. Penza wanted to emphasize that Mr. Velitskakis followed all proper channels for this project and had the plans reviewed by all of the proper committees and that issue has cost Mr. Velitskakis monetarily in addition to the money spent to build this project. Attorney Penza stated that they were agreeable to either alternate proposal but with the understanding that if neither

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proposal was approved; Mr. Velitskakis was not waiving any of his rights to continue with litigation, etc. on the original proposal. Mr. Penza also stated that Mr. Velitskakis, at a personal expense, had Carmen Casper revise the plans to reflect Council's alternate proposals and had a drawing of same.

Richard Abbott, Esquire, attorney for The Committee to Protect New Castle Neighborhoods also spoke. Mr. Abbott stated his reasons why the subdivision should not be allowed from a legal perspective and that prior to the meeting he was unaware of Council's alternate proposals and would like time to meet with his clients to discuss the new proposals.

Paul Flannigan of 166 E. 2<sup>nd</sup> Street spoke on behalf of some concerned neighbors stating that they were against the original proposal. Mr. Flannigan also felt that if Mr. Velitskakis was agreeable to either of the alternate proposals, Council should hold a public meeting to hear concerns from the residents before voting on the issue.

Michael Heyman of 207 E. 2<sup>nd</sup> Street stated that he is against the subdivision and since no one is 100% sure who owns the land, the subdivision should not be allowed.

Tom Whitehead of 2<sup>nd</sup> Street stated that he agreed with Attorney Abbott's arguments and felt that Council should table the issue.

Ann DiMaio of 313 Harmony St. stated that she was opposed to the project and as a former business owner in the City, she understands the need for parking but it would set a bad precedent. She felt that parkland should not be covered with asphalt.

Attorney Penza asked that Carmen Casper show the drawing of the proposal with the driveways in front of the homes and explain that proposal, which Mr. Casper did. Councilman Reese stated that new construction is required to provide two off street parking spaces.

The meeting was adjourned at 7:34 p.m.

Respectfully Submitted,

*Jill DiAngelo*

Jill F .DiAngelo,  
City Clerk

**Mayor and City Council of New Castle**  
**Regular Council Meeting**  
**New Castle Town Hall - Delaware Street - New Castle**  
**Tuesday, July 12, 2005 - 7:00 p.m.**

**Roll Call**

Present:

Council President Blest  
Councilman Reese  
Councilwoman Churchill  
Councilwoman Petty  
Councilman DiMondi

Others present: Mayor Klingmeyer, Treasurer Janet Carlin, Police Chief Kevin McDerby, and City Engineer David Athey.

**Approval of Minutes to Date**

The Minutes of the May Council meeting were approved as submitted. Councilman Reese stated that he has not seen the Minutes of the April Council meeting.

**Approval of Treasurer's Report**

Janet Carlin stated that the Total Petty Cash on Hand was \$270.00, Total Monthly Deposits were \$138,986.23, and Total Cash in the Wilmington Trust Accounts was \$145,256.15, Total Certificates of Deposit and De. Government Investment Pool totaled \$233,832.69 and the Total Cash on Hand was \$379,088.84. Motion was presented to accept the Treasurer's Report as submitted. Councilman Reese, Councilwoman Churchill seconded the Motion. Treasurer's Report was accepted.

**Department of Director's Report**

Police Chief McDerby did not present a report.

**Approval by Date of Director's Report**

Marian Delaney, HR/Finance was unavailable to attend the meeting.

**Business from the Floor**

Charlotte Houben questioned why Council was looking into retaining a new City Solicitor. Council President Blest stated that the City's attorney serves at the pleasure of Council and that Gerard Kavanaugh had previously been the City Solicitor and has had a long and good history with City Council.

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Robert Penza, Esquire, attorney for Steve Velitskakis, returned to the Council meeting and stated that after conferring with his client, Mr. Velitskakis was willing to leave the alley behind 2<sup>nd</sup> St. alone and leave the homes on the front of the property as originally planned if the City was willing to grant Mr. Velitskakis a variance for no off street parking and that the residents would not oppose the variance.

Richard Abbott, Esquire, attorney for the Committee to Protect New Castle Neighborhoods, stated that his clients would support such a variance.

Councilman DiMondi requested that the attorneys put their proposals in writing and forward them to City Council in time for a meeting to discuss this matter next week.

7:50 p.m. - A short recess was called as most of residents at the meeting for the 2<sup>nd</sup> Street subdivision left after Attorneys Penza and Abbott presented their proposals.

7:56 p.m. - Meeting resumed.

City Engineer David Athey stated that if Council was going to consider retaining a new City Solicitor, they should keep in mind that Attorney Hearn attended the last Board of Adjustment meeting and that meeting was being carried over so Attorney Hearn should also be present at the next meeting.

Mayor Klingmeyer requested an Executive Session to discuss retaining new counsel as his office works closely with the City Solicitor.

Dr. Padmalingam criticized the fact that the former City Council was being blamed for the City's current financial status. Dr. Padmalingam stated that the former Council used the money wisely and prioritized where the money should be used. Felt that the most important project at this time was to handle the flooding problem in Washington Park.

**Business from the Mayor**

Mayor Klingmeyer reiterated that he felt an Executive Session should be held to discuss retaining new counsel as this is a personnel matter and should be discussed in private.

**Business from Council President**

Council President Blest received the following letters: (1) Dorsey Fiske opposing the 2<sup>nd</sup> St. Subdivision, (2) Sally Denton in favor of the 2<sup>nd</sup> St. Subdivision, (3) Thomas Koch which gave his opinions on the 2<sup>nd</sup> Street Subdivision, (4) James Symanski giving his opinions on the project and (5) a letter from Attorney Hearn regarding the pros and cons of the subdivision project.

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**Unfinished Business**

Council discussed the Delaware Solid Waste Authority's proposal for a recycling pilot program. Council received the contract from DSWA and decided that the City should also have a 60-day cancellation clause just as DSWA does. If DSWA were agreeable to that condition, Council would sign the contract. Councilwoman Petty opposed the contract and felt that the residents should be notified of the program and see if enough residents are interested before signing the contract. Council President Blest was to have Mike Parkowski contacted to discuss these issues.

**Resolution #2005-14, Resolution to Access up to \$100,000.00 of the City's Line of Credit.**  
Resolution was passed and signed by Council.

**New Business**

**1. To consider and take final action of Planning Commission Recommendation on the 2<sup>nd</sup> St. Subdivision.** Council is waiting for the correspondence from Robert Penza, Esquire and Richard Abbott, Esquire regarding their clients' respective positions.

**2. Resolution 2005-15, Resolution to Establish an Escrow Account to be known as The Employees Cash Redemption Fund.** City employees are entitled to sell back sick time and vacation time and to collect these amounts upon separation of employment with the City. Council found out that this account has not been funded in previous years and is now \$300,000.00 in arrears. Council proposed to establish an account known as DELGIP 3 (DE. Government Investment Pool) at Wilmington Trust for funds to be deposited during the tax receipt months of August, September and October. The yearly funding of the account is to be no less than \$42,000.00 until the account is fully funded. The account cannot be accessed except for payment of these benefits. Motion to accept Resolution 2005-15 was approved.

**3. Consideration of appointing Gerard Kavanaugh as City Solicitor.** Council voted on whether this item should be handled in Executive Session and it was a majority vote that an Executive Session will be held to discuss this matter. Matter tabled.

**4. Review and appoint members to Committees whose terms have expired.** Council discussed and decided that a list will be compiled of all Committees members and which members terms are expiring. This matter was tabled until such list is created.

Motion to adjourn the meeting was presented by Councilman Reese and seconded by Councilman DiMondi. Meeting adjourned at 8:38 p.m.

Respectfully submitted,

Jill F. DiAngelo, City Clerk